EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

GEOTAG, INC.	§
	§
PLAINTIFF,	§
	§ CIVIL ACTION NO. 2:10-cv-00570
v.	§
	§
AROMATIQUE, INC., ET AL.	§
	§ JURY TRIAL DEMANDED
DEFENDANTS.	§
	§

DECLARATION OF STEVENSON MOORE

- I, Stevenson Moore, declare as follows:
- I am a member of the Ni Law Firm, PLLC, and one of the attorneys representing GeoTag, Inc., in this and other matters. I have personal knowledge of the facts set forth in this Declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.
- 2. Attached as Exhibit A is the AT&T Defendants' Objections and Responses to Plaintiff's Venue-Related Interrogatories.
- 3. Attached as Exhibits B and C are screen captures from AT&T's web-based store locator at http://www.att.com, showing the number of AT&T stores located in Dallas and Allen respectively.
- 4. Plaintiff GeoTag expects to call at least the following persons to testify at the trial of its claims against the AT&T defendants: John Veenstra; Elizabeth Morgan; and Lawrence Howorth. All of these persons reside in the Eastern District of Texas.

I declare under penalty of perjury that the foregoing is true and correct and that I have signed this declaration in Dallas, Texas on July 26, 2012.

<u>/s/ Stevenson Moore</u> Stevenson Moore

EXHIBIT A

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

GEOTAG, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2:11-cv-00570-MHS
	§	
AROMATIQUE, INC.; et al.,	§	
	§	
Defendants.	§	

THE AT&T DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S VENUE-RELATED INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants AT&T Services, Inc. ("AT&T Services") and AT&T Mobility, LLC ("AT&T Mobility," and collectively with AT&T Services, "AT&T") serve the following objections and responses to Plaintiff GeoTag, Inc.'s ("GeoTag") Venue-Related Interrogatories to Defendant AT&T Services, Inc. and GeoTag's Venue-Related Interrogatories to Defendant AT&T Mobility, LLC.¹

GENERAL OBJECTIONS

- 1. AT&T objects to each interrogatory to the extent it seeks to impose any requirements or obligations on AT&T in addition to or different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any applicable orders of this Court, or any stipulation or agreement of the parties.
- 2. AT&T objects to the definitions and instructions to the extent they purport to alter the plain meaning and/or scope of any specific interrogatory, on the ground that such alteration renders the interrogatory vague, ambiguous, overbroad, and uncertain.

¹ GeoTag served identical interrogatories to AT&T Mobility and AT&T Services; AT&T therefore provides these objections and responses collectively.

- 3. AT&T objects to the definitions of "you" or "your" as vague, overbroad, and directed toward irrelevant information with respect to their inclusion of AT&T's "past and present direct and indirect parents and predecessors in interest"; AT&T's answers will encompass AT&T Mobility and AT&T Services but will not include any other members of the AT&T corporate family.
- 4. AT&T objects to each interrogatory to the extent it calls for information protected from discovery by the attorney-client privilege, the work-product doctrine, the common-interest privilege, or any other applicable privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. AT&T will provide responsive non-privileged information.
- 5. AT&T objects to each interrogatory to the extent it seeks to require AT&T to produce or otherwise analyze information that is not within the possession, custody, or control of AT&T, or to prepare documents or other information that does not already exist.
- 6. AT&T objects to each interrogatory to the extent that it seeks information not directed to AT&T's motion to transfer the dispute between it and GeoTag to the Northern District of Texas.
 - 7. Each of these General Objections is incorporated in the responses below.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Describe all business conducted by you in the Eastern District of Texas for the period 2009 to the present (on an annual basis for complete years), including (a) the number of your customers located in the Eastern District of Texas, (b) the amount of your revenue derived from your business conducted by you in the Eastern District of Texas, (c) the number of your employees in the Eastern District of Texas, and (d) the nature description [sic] of any of your offices or other physical facilities located in the Eastern District of Texas.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer a patent dispute over certain functionalities, available on AT&T's websites, to find AT&T stores or jobs; the requested information appears targeted toward a jurisdictional analysis, and AT&T does not contest jurisdiction or the propriety of the venue. AT&T further objects to this Interrogatory as unduly burdensome in that it seeks to require AT&T to compile its customers and revenue according to business in the Eastern District of Texas for the past three years, and AT&T does not track its customers or revenue by the districts of the United States judicial system. AT&T further objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to AT&T's motion to transfer on convenience grounds because it asks AT&T to describe "all business conducted by you in the Eastern District of Texas," with no limitation by subject matter to the issues relevant to GeoTag's suit, which concerns only the limited functionalities on AT&T's websites that allow users to find a nearby store or to search AT&T job offerings.

AT&T responds that AT&T has customers throughout the United States, including in both the Northern District and the Eastern District of Texas, and that there are AT&T stores and other facilities where AT&T employees work throughout the United States, including in both the Northern District and the Eastern District of Texas. Looking at the AT&T locations with at least 25 employees, AT&T has almost nine times the number of employees at its locations in the Northern District of Texas (almost 21,000) than at its locations in the Eastern District of Texas (less than 2,500).

INTERROGATORY NO. 2:

Identify the location of all servers containing any source code or other software used by you to operate the store locator functionality accused of infringement by GeoTag in its Infringement Contentions, and the nature and volume of the source code or other software located on any such servers.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer, as AT&T does not contend that transfer is more convenient based on the location of its servers where the store locator functionalities reside (which are in Bothell, Washington; Lynwood, Washington; and Allen, Texas) and AT&T anticipates making its relevant source code or other software available for review at the offices of its lawyers in Dallas, Texas, as contemplated by the protective order the parties are negotiating.

INTERROGATORY NO. 3:

Identify the location of all servers containing any source code or other software used by you to operate the career locator functionality accused of infringement by GeoTag in its Infringement Contentions, and the nature and volume of the source code or other software located on any such servers.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, calling for information outside the custody or control of AT&T, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer, as AT&T does not contend that transfer is more convenient based on the location of its servers or third-party servers, and AT&T does not anticipate having any source code or other software responsive to this request; if it does, AT&T anticipates making such source code or software available at the offices of its lawyers in Dallas, Texas, as contemplated by the protective order the parties are negotiating.

INTERROGATORY NO. 4:

Describe any facts which you contend would make it inconvenient or burdensome to copy any source code or other software identified in response to Interrogatory Nos. 3 and 4 on a storage medium and transport that storage medium to the Eastern District of Texas.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer, as AT&T does not contend that transfer to the Northern District of Texas is more convenient based on the location of its source code or other software.

INTERROGATORY NO. 5:

Identify your "unique witnesses" whom you contend you might call to testify at trial (this includes the present location of all such witnesses).

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, premature, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer to the extent it seeks the full name and home and business address of AT&T's potential "unique witnesses." AT&T further objects to this Interrogatory as vague and ambiguous in its use of the undefined term "unique witnesses"; AT&T will respond with information concerning the AT&T witnesses it anticipates calling at trial, which AT&T does not anticipate any other defendant will call to testify, since AT&T developed its store-locator technology in-house and has not shared it with any other defendant. AT&T further objects to this Interrogatory as calling for information outside the possession, custody, or control of AT&T, since AT&T does not know what third-party witnesses other defendants may call. AT&T further objects to this Interrogatory as cumulative of the information set forth in the affidavit AT&T filed as Exhibit 1 its Motion to

Transfer (Dkt. 444-1). AT&T responds by incorporating paragraphs 6-8 and 11 of Exhibit 1 to AT&T's Motion to Transfer (Dkt. 444-1).

INTERROGATORY NO. 6:

Identify the persons who were substantively involved in the development of your store locator functionality.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, premature, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer to the extent it seeks the full name and home and business addresses of the persons substantively involved in the development of AT&T's store locator functionality. AT&T identifies Kevin Cox, an AT&T Services employee who works in Bothell, Washington. Based on AT&T's reasonable investigation to date, Mr. Cox is the only person who was substantively involved in the development of AT&T's store locator functionality.

INTERROGATORY NO. 7:

Identify all lawsuits pending in the Eastern District of Texas since 2009 in which you have been a party and state whether you filed a motion for transfer of venue and, if so, whether such a motion was granted or denied.

RESPONSE:

AT&T objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer this dispute, because none of the other lawsuits to which AT&T Services or AT&T Mobility is a party concerns the store locator and career locator functionalities available on AT&T websites. AT&T further objects to this Interrogatory as overly broad, unduly burdensome, and calling for information that is irrelevant to the issues presented by AT&T's motion to transfer this dispute, in that it seeks information concerning cases pending since 2009, years before the Federal

Circuit's recent decision, *In re EMC Corp.*, 677 F.3d 1351 (Fed. Cir. 2012). AT&T further objects to this Interrogatory as unduly burdensome because it calls for publicly available information equally accessible to both parties.

AT&T responds that in the forty cases filed against AT&T Services and/or AT&T Mobility since 2009, two have been transferred to a multi-district litigation panel (*see Payne v. Apple Inc.*, 4:2009-CV-00042 (E.D. Tex.)); *Friloux v. Apple Inc.*, 4:2009-CV-00618 (E.D. Tex.)); one was transferred to the Northern District of California by consent (*see U.S. Ethernet Innovations, LLC v. AT&T Inc.*, 6:2010-CV-00086 (E.D. Tex.)); one court has denied a transfer motion to the Northern District of California (*see TiVo Inc. v. AT&T Inc.*, 2:09-CV-00259 (E.D. Tex.)); and two motions to sever and transfer (including this case) are pending (*see Stambler v. American Eagle Outfitters, Inc. et al.*, 6:11-CV-00460 (E.D. Tex.)).

Dated: July 23, 2012

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Telephone: 903-938-8900 Facsimile: 903-767-4620

/ s/ Timothy S. Durst

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susan.kennedy@bakerbotts.com **BAKER BOTTS L.L.P.**

2001 Ross Avenue, Suite 600 Dallas, Texas 75201-2980 Telephone: 214-953-6500 Facsimile: 214-953-6503

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Telephone: 650-739-7502 Facsimile: 650-739-7601 Benjamin R. Johnson Texas Bar No. 24065495 ben.johnson@bakerbotts.com

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98 San Jacinto Boulevard, Suite 1500

Austin, TX 78701-4078 Telephone: 512-322-2500 Facsimile: 512-322-2501

ATTORNEYS FOR DEFENDANTS AT&T MOBILITY LLC and AT&T SERVICES, INC.

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<u>VERIFICATION</u>

I, Paula Phillips, on behalf of AT&T state that I am duly authorized to make these responses on behalf of AT&T. Subject to any inadvertent errors and reserving the right to make changes in the responses if it appears at any time that errors or omissions have been made, the factual information contained in the responses to Interrogatory Numbers 1, 2 and 6 above is true and correct to the best of my knowledge based on a reasonable investigation. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 23, 2012

PAULA PHILLIPS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record for Plaintiff GeoTag, Inc. on July 23, 2012, via electronic mail, pursuant to the agreement of Plaintiff and AT&T.

/s/ Susan Cannon Kennedy Susan Cannon Kennedy

EXHIBIT B



Please enter your full address to refine your search.

Address		
City	Dallas	
State	Texas	•
ZIP Code		

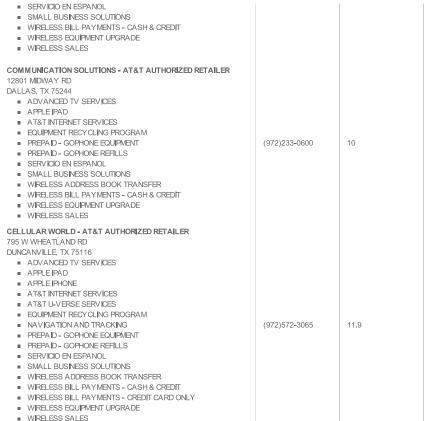
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Store Addresses	Phone Number	Distance (Miles)
AT&T 208 S AKARD STREET DALLAS, TX 75202 ■ ADVANCED TV SERVICES ■ APPLE IPAD ■ APPLE IPHONE ■ AT&T 3G MICROCELL ■ AT&T HOMEMANAGER ■ AT&T INTERNET SERVICES ■ AT&T INTERNET SERVICES ■ EQUIPMENT RECYCLING PROGRAM ■ EREADERS ■ NAVIGATION AND TRACKING ■ PREPAID - GOPHONE EQUIPMENT ■ PREPAID - GOPHONE REFILLS ■ PS VITA ■ SMALL BUSINESS SOLUTIONS ■ TABLETS ■ WIRELESS ADDRESS BOOK TRANSFER ■ WIRELESS BULL PAYMENTS - CASH & CREDIT ■ WIRELESS BOULPMENT UPGRADE ■ WIRELESS SALES	(214)741-6655	0.3
AT&T 3329 OAK LAWN AVENUE DALLAS, TX 75219 ■ APPLE IPAD ■ APPLE IPHONE ■ AT&T 3G MICROCELL ■ AT&T HOMEMANAGER ■ PREPAD - GOPHONE EQUIPMENT ■ PREPAD - GOPHONE EQUIPMENT ■ PREPAD - GOPHONE REFILLS ■ PS VITA ■ SERVICIO EN ESPANOL ■ SMALL BUSINESS SOLUTIONS ■ TABLETS ■ WIRELESS ADDRESS BOOK TRANSFER ■ WIRELESS BILL PAYMENTS - CASH & CREDIT	(214)599-9302	2

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5	CELULAR WORLD - AT&T AUTHORIZED RETAILER 521 GREENVILE AVE ALLAS, TX 75206 ADVANCED TV SERVICES APPLE IPHONE APPLE IPHONE AT&T INTERNET SERVICES AT&T U-VERSE SERVICES EQUIPMENT RECY CLING PROGRAM NAVIGATION AND TRACKING PREPAID - GOPHONE EQUIPMENT PREPAID - GOPHONE REFILLS SMALL BUSINESS SOLUTIONS WIRELESS ADDRESS BOOK TRANSFER WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(214)987-9660	5.2
5	CELULAR WORLD - AT&T AUTHORIZED RETAILER 960 W NORTHWEST HIGHWAY DALLAS, TX 75225 ADVANCED TV SERVICES APPLE IPAD APPLE IPAD APPLE IPAD APPLE IPHONE AT&T INTERNET SERVICES EQUIPMENT RECY CLING PROGRAM NAVIGATION AND TRACKING PREPAID - GOPHONE EQUIPMENT PREPAID - GOPHONE REPILLS SMALL BUSINESS SOLUTIONS WIRELESS ADDRESS BOOK TRANSFER WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(214)368-8080	5.7
1	SELULAR WORLD - AT&T AUTHORIZED RETAILER 321 N. COCKRELL HILL ROAD ALLAS, TX 75211 ■ ADVANCED TV SERVICES ■ APPLE IPAD ■ APPLE IPHONE ■ AT&T INTERNET SERVICES ■ AT&T IVERNET SERVICES ■ AT&T UVERSE SERVICES ■ AT&T OPERATOR SERVICES ■ REPAID - GOPHONE EQUIPMENT ■ PREPAID - GOPHONE REFILLS ■ SERVICIO EN ESPANOL ■ SMALL BUSINESS SOLUTIONS ■ WIRELESS ADDRESS BOOK TRANSFER ■ WIRELESS BILL PAYMENTS - CASH & CREDIT ■ WIRELESS EQUIPMENT UPGRADE ■ WIRELESS SALES	(214)330-4200	5.7
1	AT&T 030 NORTHPARK CENTER 03LLAS, TX 75225 ■ ADVANCED TV SERVICES ■ APPLE IPHONE ■ AT&T 3G MICROCELL ■ AT&T INTERNET SERVICES ■ AT&T U-V ERSE SERVICES ■ AT&T U-V ERSE SERVICES ■ EQUIPMENT RECY CLING PROGRAM ■ PREPAID - GOPHONE EQUIPMENT ■ PREPAID - GOPHONE REFILLS ■ SMALL BUSINESS SOLUTIONS ■ TABLETS ■ WIRELESS ADDRESS BOOK TRANSFER	(469) 232-9233	6.2

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■ NAVIGATION AND TRACKING	(214) 660-2200	6.7
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■ AT&T U-VERSE SERVICES		
■ EQUIPMENT RECYCLING PROGRAM ■ EREADERS	(214)750-4831	7.8
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GARLAND, TX 75041		
■ APPLE IPHONE		
 PREPA ID - GOPHONE EQUIPMENT PREPA ID - GOPHONE REFILLS 	(972)686-4295	10.3
■ SMALL BUSINESS SOLUTIONS		
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901 NORTHWEST HWY		
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■ WIRELESS SALES AT&T		
7800 N. MACARTHUR BOULEVARD IRVING, TX 75063 ADVANCED TV SERVICES APPLE IPAD APPLE IPHONE APPLE IPHONE AT&T 3G MICROCELL		
AT&T HOMEMANAGER AT&T INTERNET SERVICES AT&T U-VERSE SERVICES EQUIPMENT RECYCLING PROGRAM		
EREADERS NAVIGATION AND TRACKING PREPAD - GOPHONE EQUIPMENT PREPAD - GOPHONE REFILLS PREVITA	(972)444-9147	12.8
SMALL BUSINESS SOLUTIONS TABLETS WIRELESS ADDRESS BOOK TRANSFER WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS EQUIPMENT UPGRADE WIRELESS SALES		
CELLULAR WORLD - AT&T AUTHORIZED RETAILER 5567 W LOVERS LN DALLAS, TX 75209 ADVANCED TV SERVICES		
APPLE IPAD APPLE IPHONE AT&T INTERNET SERVICES PREPAD - GOPHONE REFILLS WIRELESS BILL PAYMENTS - CREDIT CARD ONLY WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(214) 350-8995	4.8
MI MOVIL - AT&T AUTHORIZED RETAILER 2912 SOUTH BUCKNER DALLAS, TX 75227 ADVANCED TV SERVICES APPLE IPAD		
AT&T INTERNET SERVICES AT&T INTERNET SERVICES PREPAD - GOPHONE EQUIPMENT PREPAD - GOPHONE REFILLS SERVICIO EN ESPANOL SMALL BUSINESS SOLUTIONS WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(469)619-4610	7
AT&T DEVICE SUPPORT CENTER 10455 N CENTRAL EXPRESSWAY DALLAS, TX 75231 WIRELESS ADDRESS BOOK TRANSFER WIRELESS DEVICE WARRANTY SUPPORT	(214) 363-3559	7.5
CELLULAR WORLD - AT&T AUTHORIZED RETAILER 10675 E NORTHWEST HWY DALLAS, TX 75238 ADVANCED TV SERVICES APPLE IPAD APPLE IPHONE AT&T INTERNET SERVICES		
ATAT U-VERSE SERVICES EQUIPMENT RECYCLING PROGRAM NAVIGATION AND TRACKING PREPA D - GOPHONE EQUIPMENT PREPA D - GOPHONE REFILLS SMALL BUSINESS SOLUTIONS WIRELESS ADDRESS BOOK TRANSFER WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS BILL PAYMENTS - CREDIT CARD ONLY WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(214)348-0843	8
PRIME MOBILE - AT&T AUTHORIZED RETAILER 8520 ABRAMS RD DALLAS, TX 75243 ADVANCED TV SERVICES APPLE IPAD APPLE IPHONE		
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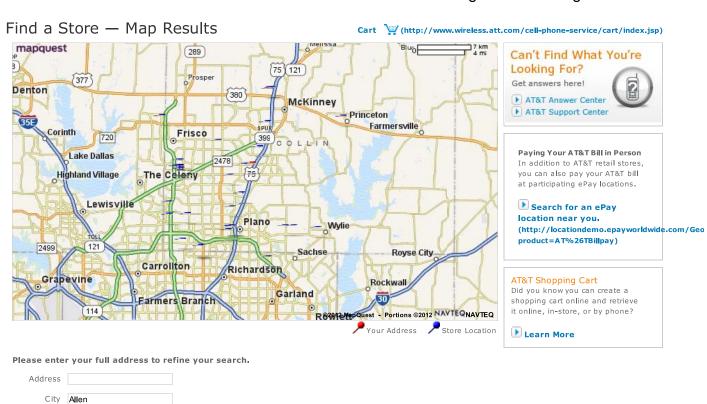
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EXHIBIT C



Store Addresses	Phone Number	Distance (Miles)
CELLULAR WORLD - AT&T AUTHORIZED RETAILER 906 W. MCDERMOTT ALLEN, TX 75013 ADVANCED TV SERVICES APPLE IPAD APPLE IPHONE AT&T INTERNET SERVICES AT&T U-VERSE SERVICES EQUIPMENT RECY CLING PROGRAM NAVIGATION AND TRACKING PREPAID - GOPHONE COUPMENT PREPAID - GOPHONE REFILLS SMALL BUSINESS SOLUTIONS WIRELESS ADDRESS BOOK TRANSFER WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(214)495-9900	0.8
AT&T 190 E STACY ROAD ALLEN, TX 75002 ■ ADVANCED TV SERVICES ■ APPLE IPAD ■ APPLE IPAD ■ AT&T STATE MICROCELL ■ AT&T INTERNET SERVICES ■ AT&T INTERNET SERVICES ■ AT&T LVYERSE SERVICES ■ EQUIPMENT RECY CLING PROGRAM ■ EREADERS ■ NAVIGATION AND TRACKING ■ PREPAID - GOPHONE EQUIPMENT ■ PREPAID - GOPHONE REFILLS ■ PS VITA ■ SMALL BUSINESS SOLUTIONS ■ TABLETS ■ WIRELESS ADDRESS BOOK TRANSFER ■ WIRELESS BULP MENTS - CASH & CREDIT ■ WIRELESS SALES WIRELESS SALES	(972)678-1334	1.9

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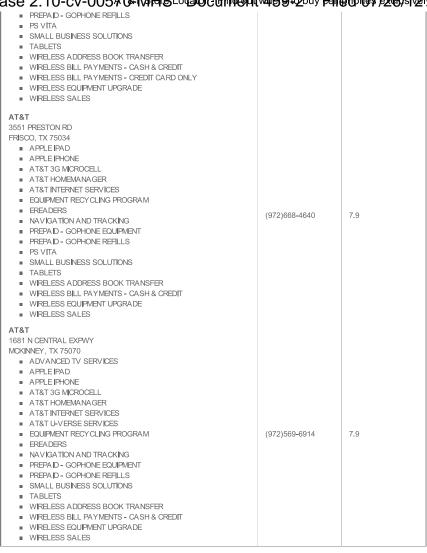
1201 E SPRING CREEK PLANO. TX 75074

State Texas

ZIP Code

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ADVANCED TV SERVICES APPLE IPAD AT&T INTERNET SERVICES EQUIPMENT RECY CLING PROGRAM PREPAID - GOPHONE EQUIPMENT PREPAID - GOPHONE REFILLS SERVICIO EN ESPANOL SMALL BUSNESS SOLUTIONS WIRELESS ADDRESS BOOK TRANSFER WIRELESS BILL PAYMENTS - CASH & CREDIT WIRELESS EQUIPMENT UPGRADE WIRELESS SALES	(972)422-9498	3.3
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